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21 Attorneys for Defendant Wells Fargo &  
22 Company

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

19 JAMES L. TURKLE TRUST, individually  
20 and on behalf of all others similarly  
21 situated,

22 Plaintiff,

23 v.

24 WELL'S FARGO & COMPANY, a  
25 Delaware Corporation,

26 Defendant.

27 Case No. C 11-06494-CW

28 **STIPULATION TO APPOINT INTERIM  
CLASS COUNSEL PURSUANT TO  
FED. R. CIV. P. 23(G)(3) AND  
[PROPOSED] ORDER**

1 Plaintiff James L. Turkle Trust (“Turkle Trust” or “Plaintiff”) and Defendant Wells Fargo  
 2 & Company (“Wells Fargo” or “Defendant”), by and through the undersigned attorneys, hereby  
 3 agree and stipulate as follows:

4 Whereas Fed. R. Civ. P. 23(g)(3) states that the “court may designate interim counsel to  
 5 act on behalf of a putative class before determining whether to certify the action as a class  
 6 action”;

7 Whereas in the interest of the efficient conduct of this litigation, Defendant does not  
 8 oppose designation at this time of Schubert Jonckheer & Kolbe LLP and Schreiber & Schreiber,  
 9 Inc. to serve as interim counsel to act on behalf of the putative class, while expressly reserving its  
 10 right to oppose class certification on any grounds;

11 Whereas a duplicative class action involving Wells Fargo’s redemption of Wachovia  
 12 Capital Trust X 7.85% Trust Preferred Securities (“Capital X TruPS”) was filed in the United  
 13 States District Court of the Central District of California on December 28, 2011 (*Gilberti v. Wells*  
 14 *Fargo & Company*, No. 11-10749-JFW);

15 Whereas the plaintiff in the Central District of California action, through his counsel  
 16 Schreiber & Schreiber, Inc., voluntarily dismissed the action on January 18, 2012, so as to  
 17 concentrate litigation involving the Capital X TruPS in a single judicial district;

18 Whereas the parties believe there is a possibility that additional actions relating to the  
 19 redemption of Capital X TruPS might be filed and that the appointment of interim class counsel  
 20 would help to ensure that the parties’ pre-certification litigation efforts are conducted efficiently;  
 21 and

22 Whereas Plaintiff submits with this stipulation the Declarations of Robert C. Schubert and  
 23 Edwin C. Schreiber, which provide the court with a foundation under Fed. R. Civ. P. 23(g)(1) for  
 24 determining that Schubert Jonckheer & Kolbe LLP and Schreiber & Schreiber, Inc., are qualified  
 25 to serve as interim counsel on behalf of the putative Class of investors in Capital X TruPS (the  
 26 declarations being submitted only by Plaintiff, with Defendant reserving the right to contest the  
 27 declarations’ assertions at a future date);

28

1           **IT IS HEREBY STIPULATED AND AGREED**, by and through the undersigned  
2 attorneys for the parties, subject to the Court's approval, that:

3           Pursuant to Fed. R. Civ. P 23(g)(3), the Court may appoint the law firms of Schubert  
4 Jonckheer & Kolbe LLP and Schreiber & Schreiber, Inc. as Interim Co-Lead Class Counsel to act  
5 on behalf of the putative class in this case and in any additional actions on behalf of investors in  
6 Capital X TruPS that might be consolidated with this case.

7           **IT IS SO STIPULATED.**

8           Dated: February 3, 2012

**SCHUBERT JONCKHEER & KOLBE LLP**

9           By: /s/ Robert C. Schubert  
10           Robert C. Schubert  
11           Willem F. Jonckheer  
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18           **SCHREIBER & SCHREIBER, INC.**  
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31           Attorneys for Plaintiff James L. Turkle Trust

32           Dated: February 3, 2012

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39           Attorneys for Wells Fargo & Company

1 I, Jason A. Pikler, am the ECF User whose ID and password are being used to file this  
2 Stipulation. In compliance with General Order 45, section X.B., I hereby attest that I have on file  
3 the concurrences for any signatures indicated by a "conformed" signature (/s/) within this e-filed  
4 document.

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By: */s/ Jason A. Pikler*  
Jason A. Pikler

**[PROPOSED] ORDER**

The Court has considered the above stipulation and the related Declarations of Robert C. Schubert and Edwin C. Schreiber. Pursuant to Fed. R. Civ. P 23(g), the Court finds that the law firms of Schubert Jonckheer & Kolbe LLP and Schreiber & Schreiber, Inc. will adequately and fairly represent the interests of the Class in pre-class certification proceedings. Accordingly, the Court hereby appoints Schubert Jonckheer & Kolbe LLP and Schreiber & Schreiber, Inc. as Interim Co-Lead Class Counsel to act on behalf of the putative class in this case and in any additional actions on behalf of investors in Wachovia Capital Trust X 7.85% Trust Preferred Securities ("Capital X TruPS") that might be consolidated with this case.

This order is without prejudice to the rights of Defendant to oppose class certification or appointment of Schubert Jonckheer & Kolbe LLP and Schreiber & Schreiber, Inc. as regular class counsel on any grounds, including adequacy of representation under Fed. R. Civ. P 23(a) and (g).

**IT IS SO ORDERED.**

Date: 2/21/2012

  
The Honorable Claudia Wilken